

CHAPTER 47 (Revised 9/7/04)

INTOXICATING LIQUORS OR BEVERAGES

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Section 1. Definitions.

"Alcoholic beverage" means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produced commercially or privately.

"Community work" means and is limited to work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public land, forests, parks, roads, highways, facilities, or education; community work may not confer a private benefit on a person except as may be incidental to the public benefit.

Section 2. Public consumption

A person may not consume alcoholic beverages upon public streets, alleys, parks or public school property, or in any public school building or city meeting or recreation facility, or while attending any school-related functions.

Section 3. Inducement

A person may not motivate or induce another person to furnish him or her with any alcoholic beverage in violation of federal, state, or local law.

Section 4. Furnishing alcoholic beverages to intoxicated person

A person may not furnish alcoholic beverages to a person who reasonably appears to be intoxicated.

Section 5. Public intoxication

A person who is under the influence of alcohol may not loiter:

- A. upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or at any place where school-related functions are taking place;
- B. in or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave; or
- C. in or about any residence or other property which is not owned or normally occupied by the person, to the annoyance of the owner or normal occupants.

Section 6. Furnishing alcoholic beverages to minor

A person may not furnish or induce another person to furnish alcoholic beverages to any person under 21 years of age.

Section 7. Arrest or citation of violators; Community service

- A. When a peace officer stops or contacts a person concerning a violation of Section 2 through 5 of this chapter, the peace officer may, in the officer's discretion, arrest the person as provided in A.S. 12.25.010 through 12.25.160 or issue a citation to the person as provided in A.S. 12.25.180 through 12.25.220. When issuing a citation, the officer shall write on the citation the amount of bail established for the violation. The officer may seize such evidence as is appropriate to support the charge.
- B. A person cited pursuant to subsection (A) of this section may, within 30 days after the date the citation is issued:
 - 1. mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail and all alcoholic beverages seized are forfeited; or
 - 2. perform community work in lieu of payment of the fine or a portion of the fine pursuant to subsection (c) of this section.
- C. Community work shall be performed at the direction of the Council. The value of community work in lieu of a fine is \$5.00 per hour. When the community work is completed, the person cited for the violation shall mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer.
 - 1. a form, prescribed by the administrative director of the Alaska Court System and available from the clerk, indicating completion of the community work; and
 - 2. a copy of the citation, indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail is forfeited or community work has been performed and that all alcoholic beverages seized are forfeited.
- D. When bail has been forfeited or proof of performance of community work under this section has been filed with the court, a judgment shall be entered. Forfeiture of bail or filing proof of performance of community work and forfeiture of all seized items is a complete satisfaction for the violation. The clerk of court accepting the bail or the form indicating performance of community work shall provide the offender with a receipt stating that fact.
- E. If the person fails to pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in subsection (C) (1) of this section to the court, the citation is considered a summons.
- F. Violation of Section 2 through 5 is not considered a criminal offense, nor is a fine imposed for violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

Section 8. Seizures and forfeitures

Property seized under this chapter shall be placed in the custody of the _____ Department of Public Safety or a peace officer of the state, forfeited, and destroyed.

Section 9. Penalties: Fines

A person found violating a provision of sections 2 through 5 of this chapter shall be fined at the rate set by the fining authority, not to exceed three hundred dollars (\$300) and the surcharge required to be imposed under AS 12.55.039. A "violation" is a non-criminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

- (1) to a trial by jury; or
- (2) to have a public defender or other counsel appointed at public expense to represent the person.